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20999	7590	10/06/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MA, JOHNNY	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,987

Applicant(s)

YOSHIDA ET AL.

Examiner

Johnny Ma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments pertaining to the selecting means, filed 7/8/2005, have been fully considered but they are not persuasive. Applicant argues "Ismail and Knowles, in combination or individually, fail to teach or suggest a system including selecting means for comparing selective information showing a user's taste with the attributive information." The Examiner respectfully disagrees. As discussed in the previous Office Action, the Ismail reference discloses selecting means (preference agent 110 and recording manager 112, fig. 1) for comparing selective information showing user's taste (preference database 116, fig. 1) with the attributive information (107), which is provided to the digital contents to select the digital contents (column 4, lines 13-31). Further note, the Ismail reference discloses "[t]he present invention determines viewing preferences of a user by monitoring programs viewed by the user and causes recording of programs corresponding to the user's preferences...apparatus for causing recordation of the television programs comprises a preference agent for causing retrieval of attribute information corresponding to each television program viewed by a user of the apparatus...preference agent generates classification information...A recording manager causes recordation and storage to a storage device of television programs having attribute information that matches the classification information" (Ismail 1:54-67). In other words, the recording manager [selecting means] compares selecting information showing user's taste (preference agent information) with attributive information to select programs for recording.
2. Applicant's arguments with respect to claims 1-20 pertaining to newly added limitations have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), and Lawler et al. (US 5,805,763).

As to claims 1 and 11, the Ismail reference discloses a broadcast system and corresponding receiving apparatus (i.e., a system for receiving broadcasts, recording system 100, fig. 1, and column 4, lines 40-44) comprising: a broadcast station (see digital satellite system and CATV system, column 4, lines 49-54) for broadcasting attributive information (attribute information 107), in which attribution is shown (i.e., attributive information is related to said digital contents, column 3, lines 43-48) and digital contents (see digital encoding, column 4, lines 52-54) of receiving apparatuses (recording system 100, fig. 1) having receiving means (column 4, lines 40-41) for digital contents (see digital encoding, column 4, lines 40-47) and attributive information (attribute information 107, column 3, lines 33-61), which are put on the air by a broadcast station (see digital satellite system and CATV system, column 4, lines 49-54); recording medium (storage device 106) for recording said received digital contents and attributive information (see storage of program data 105 and attribute information 107 in storage device 106, fig. 1, and column 4, lines 7-8); output means (monitor 108) for outputting the received digital contents (column 4, lines 35-38); selecting means (preference agent 110 and

recording manager 112, fig. 1) for comparing selective information showing user's taste (preference database 116, fig. 1) with the attributive information (107), which is provided to the digital contents to select the digital contents (column 4, lines 13-31); and controlling means (recording manager 112) for controlling to record the received digital contents selected by said selecting means, among digital contents received (column 4, lines 28-31). However, the Ismail reference does not specifically disclose wherein said selecting means can be switched on or off as desired such that it can filter said digital contents upon output by said output means or upon recording on said recording medium. Now note the Knowles et al. reference that discloses multiple interactive electronic program guide system and methods. The claimed "wherein said selecting means can be switched on or off as desired such that it can filter said digital contents upon output by said output means or upon recording on said recording medium" is met by "[i]n one embodiment of the present invention, a 4 digit numeric Master Password scheme is used to enable the establishment of a User Profile and provide unlimited (unprotected) access to the guide screens and shows once a Master Password is established (Knowles 11:40-44) wherein access to shows may be restricted for particular users (Knowles 10:45-50), "...[o]nce the password is correctly input, access to all shows and areas of the guide is enabled until the TV is turned off" (Knowles 12:49-53). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ismail recording of user programs with the Knowles on/off access of restricted programming for the purpose of providing a parent the option of restricting the types of programming viewed by their children while maintaining the option to watch the restricted programming themselves. Note, the Ismail reference discloses providing users with stored programs that match certain viewing

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preferences of the user which can be viewed at the user's leisure (Ismail 2:4-8). However, the Ismail reference is silent as to providing access to such recorded programming, specifically, the Ismail reference does not specifically disclose "display means for displaying a list of programs broadcasted in the past, said list of programs including a first set of programs that are recorded and a second set of programs that was not recorded, wherein said display means displays the list of programs such that said first set of programs can be visually distinguished from said second set of programs." Now note the Young et al. reference that discloses an user interface for television schedule system. The Young et al. reference teaches the claimed "said list of programs including a first set of programs that are recorded and a second set of programs that are not recorded, wherein said display means displays the list of programs such that said first set of programs can be visually distinguished from said second set of programs" wherein within an EPG "[a] recorded cell will be displayed with a solid red background" and "[a]fter a linked program has been recorded, it will be treated like any recorded program with the title shaded in red" (Young [0041-0045]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ismail recorded programs with the Young et al. EPG visually distinguishing recorded programs for the purpose of providing users with a convenient method to quickly identify programming that has previously been recorded to further facilitate viewing at the user's leisure. Also note, the Young et al. reference discloses "[t]he ½ hour header strip across the top of the grid TV guide has two auxiliary functions... as a time-bar 50 to delineate the past-from the future. The past is darkened, while the future is lightly shaded. Thus the Young et al. reference suggests the capability to display a list of past and future programming. However, this teaching is not explicitly stated in

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the Young et al. reference. Now note the Lawler et al. reference that discloses a system and method for automatically recording programs in an interactive viewing system. The claimed “display means for displaying a list of programs broadcasted in the past” is met by “[w]hen a user moves the focus frame 102 to a date that is no longer the current date, the interactive station controller 18 changes the display date panel 104 to correspond with the displayed information” (Lawler 9:29-34) wherein “[t]he program schedule information at the head end covers a time period extending about one week into the past and two weeks into the future” (Lawler 9:55-62). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Ismail and Young et al. combination teaching the displaying of recorded programs with a solid red background for the purpose of providing a listing of past programming so that such indications of previously recorded programming may be displayed to the user.

As to claims 3 and 13, Ismail discloses said selective means (preference agent 110) updating the descriptive contents of said selective information (preference database 116) on the basis of attributive information (i.e., program category or theme, column 10, line 63 – column 11, line 18) provided to the digital contents, which are recorded by said controlling means (recording manager 112, column 4, lines 13-31).

5. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), Segman (previously cited US 6,301,619), and Shah-Nazaroff et al. (previously cited US 6,317,881)..

As to claims 2 and 12, Ismail discloses a broadcast system and corresponding receiving apparatus (recording system 100) comprising a display means (monitor 108) and digital contents capable of being listened to and viewed (see audio and video components of 105, column 3, lines 33-35), however fails to specifically disclose said display for displaying title information of said contents; attributive information showing the attribution of contents on said display, and selective information generation means on the basis of inputted information by the user in response to displayed information, as recited in the claims. In a related art, Segman discloses attributive information (see sender electronic information, column 5, lines 35-39) showing the attribution of contents on said display (column 5, lines 52-55 and step (3e), fig. 2), and selective information generation means on the basis of inputted information by the user in response to displayed information (see viewer response, step (5), fig. 2, and column 11, lines 36-45), for the purpose of allowing the broadcast facility to obtain user preferences to further refine its broadcast selections. Segman, however, fails to specifically disclose a display for displaying title information of said contents, as recited in the claims. In a further related art, Shah-Nazaroff discloses display (entertainment system 100, fig. 1) for displaying title information of said contents (see TITLE, fig. 6, and fig. 2, lines 25-26, and column 7, lines 10-14) for the purpose of allowing the viewer to view the title of the program before deciding whether or not to watch said program. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include attributive information showing the attribution of contents on said display, and selective information generation means on the basis of inputted information by the user in response to displayed information, as taught by Segman, for the purpose of allowing the broadcast facility to obtain user preferences to further refine its

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broadcast selections. It would have further been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Segman to include said display for displaying title information of said contents, as taught by Shah-Nazaroff, for the purpose of allowing the viewer to view the title of the program before deciding whether or not to watch said program.

6. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), Shah-Nazaroff et al. (previously cited US 6,317,881), and Lawler (previously cited US 5,758,259).

As to claims 4 and 14, Ismail discloses a broadcasting system of which the descriptive contents are updated by said selective means, however fails to specifically disclose said receiving apparatus comprising a means for transmitting selective information to said broadcast station, and said station selecting digital contents to be broadcast on the basis of said selective information, as recited in the claims. In a related art, Shah-Nazaroff discloses a receiving apparatus (entertainment system 100, fig. 1) comprising a means for transmitting selective information (viewer feedback 120) to said broadcast station (column 3, lines 48-58), for the purpose of providing the broadcasting station with user feedback concerning program content. Shah-Nazaroff fails to specifically disclose said station selecting digital contents to be broadcast on the basis of said selective information, as recited in the claims. In a related art, Lawler '259 discloses a broadcast station (central node 12, fig. 1) selecting digital contents (column 3, lines 24-31) to be broadcast on the basis of said selective information (column 9, lines 12-26), for the purpose of automatically sending programs to a viewer which he or she might find desirable. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include a receiving apparatus comprising a means for transmitting selecting information to said broadcast station, as taught by Shah-Nazaroff, for the purpose of providing the broadcast station with user feedback concerning program content. It would have further been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Shah-Nazaroff to include a broadcast station selecting digital contents to be broadcast on the basis of said selective information, as taught by Lawler '259, for the purpose of automatically sending programs to a viewer which he or she might find desirable.

7. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), and Amano (previously cited US 5,585,865).

As to claims 5 and 15, Ismail discloses said selecting means (preference agent 110 and recording manager 112) comparing selective information (preference database 116) with the attributive information (107) which is provided to the digital contents to be recorded (column 4, lines 28-31) by said recording medium (recording system 100); comparing a logical addition of each selective information with the attributive information (column 11, line 58 – column 12, line 3); and selecting any one of the selective information and comparing the selected selective information with the attributive information (column 11, 60-61). Although Ismail discloses outputting presently broadcast programs to the output means (monitor 108), Ismail fails to specifically disclose said selecting performed in the case of output said contents to said output

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means, as recited in the claims. In a related art, Amano discloses a system which selects content to be automatically output (column 2, lines 53-64) by an output means (CRT 24, fig. 1), for the advantage of providing content for the user that is desirable. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail to include said selecting performed in the case of outputting said contents to said output means, as taught by Amano, for the advantage of providing content for the user that is desirable.

8. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), and Schulhof et al. (previously cited US 5,5724,42).

As to claims 6 and 16, Ismail discloses a broadcasting system and corresponding receiving apparatus (100), however, Ismail fails to specifically disclose a means for decoding encrypted contents and receiving said encrypted contents, as recited in the claims. In a related art, Schulhof discloses a means for decoding encrypted contents (decode/decrypt/write module 122) and receiving said encrypted contents (column 12, lines 10-18), for the purpose of preventing unauthorized access to sensitive user information during transmission. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include a means for decoding encrypted contents and receiving said encrypted contents, as taught by Schulhof, for the purpose of preventing unauthorized access to sensitive user information during transmission.

9. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US

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6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), Schulhof et al. (previously cited US 5,5724,42), and Sprague et al. (previously cited US 5,247,575).

As to claims 7 and 17, Ismail discloses said recording means (106) of said receiving apparatus (100) recording said digital contents (column 4, lines 7-8), however fails to specifically disclose recording said content before the code is decoded, as recited in the claims. In a related art, Sprague discloses a system in which information is recorded (stored) before being decoded (column 7, lines 45-51, and column 23, lines 22-30), for the purpose of preventing unauthorized access during storage of said content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail and Schulhof to include recording said content before the code is decoded, as taught by Sprague, for the purpose of preventing unauthorized access during storage of said content.

10. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), and Hendricks et al. (previously cited US 5,798,785).

As to claims 8 and 18, Ismail discloses a broadcasting system and corresponding receiving apparatus receiving digital contents (column 4, lines 40-47) output to an output means (108), however fails to disclose said system comprising means for accounting of said contents, which is output to an output means, as recited in the claims. In a related art, Hendricks discloses a system wherein a receiving apparatus (set top terminal 22) comprises means for accounting of said contents (i.e., billing and account information, column 10, lines 39-43), which is output to

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an output means (i.e., text informing subscriber of account status, column 10, lines 41-43), for the purpose of allowing the subscriber to be kept abreast of current billing and account information. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ismail to include means for accounting of said contents, which is output to an output means, as taught by Hendricks, for the purpose of allowing the subscriber to be kept abreast of current billing and account information.

11. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), Hendricks et al. (previously cited US 5,798,785), and Seth-Smith et al. (previously cited US 4,829,569).

As to claims 9 and 19, the combined systems of Ismail and Hendricks disclose a broadcasting system and corresponding receiving apparatus (Hendricks, set top terminal 22) receiving digital contents (column 4, lines 40-47) and an accounting means (Hendricks, column 10, lines 39-43), however fail to specifically disclose said receiving apparatus comprising means for decoding encrypted digital contents and said accounting carried out upon decoding said contents. Hendricks further discloses said receiving apparatus comprising means for decoding encrypted digital contents (DECRYPT 600, fig. 4), for the purpose of preventing unauthorized access to sensitive user information during transmission. Hendricks fails to specifically disclose said accounting carried out upon decoding said contents, as recited in the claims. In a further related art, Seth-Smith discloses a system in which accounting is carried out upon the decoding of received contents (column 6, lines 50-60), for the advantage of allowing account information to be viewed when securely received by the user. It would have been obvious to one of ordinary

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skill in the art at the time the invention was made to modify the combined systems of Ismail and Hendricks to include said receiving apparatus comprising means for decoding encrypted digital contents, as taught by Hendricks, for the purpose of preventing unauthorized access to sensitive user information during transmission. It would have further been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Ismail and Hendricks to include a system in which accounting is carried out upon the decoding of received contents, as taught by Seth-Smith, for the advantage of allowing account information to be viewed when securely received by the user.

12. Claims 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Ismail et al. (previously cited US 6,614,987 B1) in further view of Knowles et al. (previously cited US 6,505,348 B1), Young et al. (US 2003/0185545 A1), Lawler et al. (US 5,805,763), Hendricks et al. (previously cited US 5,798,785), Seth-Smith et al. (previously cited US 4,829,569), and Sprague et al. (previously cited US 5,247,575).

As to claims 10 and 20, the combined systems of Ismail, Hendricks, and Seth-Smith disclose a recording medium (Ismail: 106) recording said digital contents (Ismail, column 4, line 27, and see digital encoding, column 4, lines 40-47) being decoded and accounting being provided after said decoding (Seth-Smith column 6, lines 50-60), however they fail to specifically disclose recording said contents before the code is decoded, and therefore said accounting being provided after being reproduced by said recording medium, as recited in the claims. In a related art, Sprague discloses a system in which information is recorded (stored) before being decoded (and therefore before accounting is provided) (column 7, lines 45-51, and column 23, lines 22-30), for the purpose of preventing unauthorized access of accounting data

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during storage and transmission of said content. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined systems of Ismail, Hendricks, and Seth-Smith to include recording said contents before the code is decoded, and therefore said accounting being provided after being reproduced by said recording medium, as taught by Sprague, for the purpose of preventing unauthorized access of accounting data during storage and transmission of said content.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Proehl et al. reference (US 6,532,589 B1) discloses a method and apparatus for providing a calendar-based planner in an electronic program guide for broadcast events and providing icons to indicate programs recorded in the past (see Figure 9).

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm



VIVEK SRIVASTAVA
PRIMARY EXAMINER